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Paper 6

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OFFICE OF PETITIONS

In re Application of  
Ronald E. Gilbert et al.  
Application No. 10/047,198  
Filed: October 26, 2001  
Attorney Docket No. PY2-023

DECISION GRANTING PETITION

This is a decision on the renewed petition filed October 1, 2002, under 37 CFR 1.10, which is treated under 37 CFR 1.53, in response to the "Notice of Omitted Items" mailed October 25, 2001.

The instant application was filed October 26, 2001 and a filing date was accorded. However, according to the Notice of Omitted Items, the application papers submitted did not include figures 7, 11 and 12.<sup>1</sup>

Petitioner renews the assertion that sheet 6 of 8 containing figures 11 and 12 were among the papers filed on October 26, 2001, and submits a "legible" postcard receipt in evidence thereof. The postcard receipt, identifies the application and acknowledges, *inter alia*, the number of drawing sheets to be 8 and bears a United States Patent and Trademark Office date-stamp of October 26, 2001. Further, the postcard receipt lacks any notation of non-receipt of any item listed.

In view of the foregoing, the petition is **Granted**.

Given the basis for granting the petition, no petition fee is due and therein petitioner's deposit account no. 23-0925 will be credited in the amount of \$260.00.<sup>2</sup>

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing, using the application papers received in the Office on October 26, 2001 and the one sheet of drawings (sheet 6 of 8) containing figures 11 and 12 submitted on petition April 17, 2002 and resubmitted October 1, 2002..

Telephone inquiries regarding this decision should be directed to the undersigned Petitions Attorney at (703) 305-4497

Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions

<sup>1</sup>In a decision dated August 5, 2002, the petition file April 17, 2002 was dismissed. That petition alleged that due to misnumbering, in fact there was no figure 7 and that sheet number 6 of 8 contained figures 11 and 12. The proof submitted on petition was not sufficient to satisfy the allegation and thus the petition was dismissed.

<sup>2</sup>Petitioners paid the petition fee of \$130.00 upon the filing of the petition April 17, 2002 and upon the filing of the renewed petition, October 1, 2002.